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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,031	01/04/2002	David A.E. Wall	YOZO118402	2310

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CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

EXAMINER

ZAND, KAMBIZ

ART UNIT PAPER NUMBER

2132

DATE MAILED: 04/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/039,031

Applicant(s)

WALL, DAVID A.E.

Examiner

Kambiz Zand

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.


Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


KAMBIZ ZAND
PRIMARY EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this section can be found in the prior office action.
2. The prior office actions are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments.
3. Claims 1 and 5 have been amended.
4. Claims 1-46 are pending.

Response to Arguments

5. Applicant's arguments filed 01/05/2006 have been fully considered but they are not persuasive.
 - In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e. Komura fails to teach "a server for establishing a secure communication with each terminal unit"; or being responsible for any processing relating to identification and encryption/decryption of the document" page 10, paragraph B of the response filed 01/05/2006) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

- In response to applicant's arguments that Komura does not establish "a communication channel with each of the terminal units in the predetermined route page 12 of the response filed 01/05/2006, examiner makes the following remarks: the server do establish a communication channel with at least one terminal (corresponding to applicant's recipient) via a network interface. A network interface is a communication channel, so does input, output units of the server or a modem. That is any I/O units that establishes communication between the two entities, an inherent part of any server (please see definition of server in any computer dictionary and the intended use of it).
- In response to applicant's arguments that Komura does not "establish a communication channel with designated recipients in order to transmit the processed electronic documents which obtained from a sender" as recited in claim 1, examiner refers applicant to applicants claim language that disclose "at least one" recipients. Therefore the fig.2 does disclose the server establishing communication with at least one unit (receiver) via network interface as described above.
- In response to Applicant's remarks that Komura fails to teach "the sender and the designated at least one recipient do not exchange keys", examiner refers applicant's to Applicant's claim language where the third party between the sender and the receiver only encrypts the documents already received from the sender and pass it to the receiver. Komura disclose the capabilities of public/private keys in passing information securely between the parties. Col.6-8

disclose the relationship between the transmissions of the documents received by the terminal 12 to other terminals where the receiver has means to verify the sender. There is no key exchange between the server and the terminal 13-other terminals but exchange between the terminals themselves using public key encryption system. That is terminal 12 is transmitting the data received from server to other terminal. The method of authentication of who is the sender by recipient by checking on the secret key attached to the signed documents also does not mean such exchange has taken place. Page 3 of Applicant's specification discloses that using an asymmetric system would require at least an exchange of a public key. However it is well known in the art that the public key may be retrieved from a database that holds public keys and not necessarily from the sender, and therefore such exchange would be not between a sender and a receiver but between the third party and the receiver.

- Applicant's arguments with respect to claim 19 are not persuasive for similar reason given above with respect to claim 1.
- Examiner would reconsider if Applicant's claim language be presented in a manner that discloses such distinction and do not raise new issues that require further search and consideration.

Claim Rejections - 35 USC § 102

6. **Claims 1, 3, 5-7, 9, 10, 12-19, 24-26, 30-37 and 41-45** are rejected under 35 U.S.C. 102(b) as being anticipated by Komura (6,260,145 B1).

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Please see the former examiner's previous office action mailed 07/01/2005 and in the light of examiner's remarks above.

Claim Rejections - 35 USC § 103

7. **Claims 2,4,8,11,20-23,27-29 and 38-40** are rejected under 35 U.S.C. 103(a) as being unpatentable over Komura (6,260,145 B1) in view of An (6,715,073).

Please see the former examiner's previous office action mailed 07/01/2005 and in the light of examiner's remarks above.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Zand whose telephone number is (571) 272-3811. The examiner can normally be reached on Monday-Thursday (8:00-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone numbers for the organization where this application or proceeding is assigned are 571-272-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



KAMBIZ ZAND
PRIMARY EXAMINER

03/30/2006

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